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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON  
10 SPOKANE DIVISION

11 LONNIE TOFSRUD, an individual, )  
12 ) Case No. 2:19-cv-00371  
13 Plaintiff, )  
14 ) DEFENDANTS' SPOKANE  
15 v. ) POLICE DEPARTMENT'S,  
16 ) CRAIG MEIDEL'S, JUSTIN  
17 SPOKANE POLICE DEPARTMENT, ) LUNDGREN'S AND DAVE  
18 a political subdivision of the City of ) STABEN'S ANSWER TO  
19 Spokane; CRAIG MEIDL, in his ) COMPLAINT FOR DAMAGES  
20 personal and official capacity; JUSTIN ) AND JURY DEMAND  
21 LUNDGREN, in his personal and )  
22 official capacity; and DAVE )  
23 STABEN, in his personal and official )  
24 capacity, )  
25 Defendants. )

26 COME NOW each of the named Defendants, the Spokane Police Department,  
Craig Meidl, Justin Lundgren and Dave Staben (hereinafter the Named  
Defendants), by and through their counsel of record, Thomas W. McLane of the

DEFENDANTS' ANSWER TO COMPLAINT  
FOR DAMAGES - 1 OF 25

Law Firm of Thomas W. McLane, PLLC  
103 E. Indiana Ave., Suite A  
Spokane, WA 99207  
Phone: (509) 290-6968

1 Law Firm of Thomas W. McLane, PLLC, and in answer to the Complaint, admit,  
2 deny, and allege as follows:  
3

4 **INTRODUCTORY STATEMENT**

5 1. The named Defendants admit the existence of claims asserted against  
6 the named Defendants. The named Defendants deny the validity of any claim  
7 against the named Defendants.  
8

9 2. The named Defendants admit all were acting in their official capa-  
10 cities as it related to action taken concerning Plaintiff. The named Defendants  
11 deny the remaining allegations contained in Paragraph 2 of the Complaint.  
12

13 **JURISDICTION AND VENUE**

14 3. Defendants admit that this Court has jurisdiction over this matter but  
15 deny the remaining allegations in Paragraph 3. Defendants deny the remaining  
16 allegations contained Paragraph 3 of the Complaint.  
17

18 4. Defendants admit venue is proper in this judicial District but deny the  
19 existence of any inappropriate action by any or all of the named Defendants and  
20 therefore deny the remaining allegations contained in Paragraph 4 of the  
21 Complaint.  
22  
23  
24  
25

**PARTIES**

5. The named Defendants admit the allegations contained in Paragraph 5 of the Complaint.

6. The named Defendants admit a lawsuit was filed against SPD, a public entity. Except as admitted, the named Defendants deny the remaining allegations contained in Paragraph 6 of the Complaint, together with any and all inferences taken therefrom.

7. The named Defendants admit the allegations contained in sentences 1 and 2 of Paragraph 7 but deny the remaining allegations contained in Paragraph 7 of the Complaint, together with any and all inferences taken therefrom.

8. The named Defendants admit the allegations contained in Paragraph 8 of the Complaint.

9. The named Defendants admit the allegations contained in Paragraph 9 of the Complaint.

**FACTUAL BACKGROUND**

10. The named Defendants admit Plaintiff, as is with the other co-workers of the City of Spokane, is a valued employee who has received reviews and written commendations during his employment with Defendant City of

1 Spokane. It is further admitted that Plaintiff worked in the Targeted Crimes unit  
2 until he was reassigned. Except as specifically admitted, the named Defendants  
3 deny the remaining allegations contained in Paragraph 10 of the Complaint,  
4 together with any and all inferences taken therefrom.  
5

6 11. The named Defendants admit the first two sentences of Paragraph 11.  
7 The named Defendants deny the remaining allegations contained in Paragraph 11  
8 of the Complaint, together with any and all inferences taken therefrom.  
9

10 12. The named Defendants admit all but sentence 5 contained in  
11 Paragraph 12. Sentence 5 is denied due to a lack of sufficient knowledge of the  
12 referenced but unidentified email.  
13

14 13. The named Defendants admit the allegations contained in Paragraph  
15 13 of the Complaint.  
16

17 14. The named Defendants admit the allegations contained in Paragraph  
18 14 of the Complaint.  
19

20 15. The named Defendants admit sentences 1-4. The named Defendants  
21 deny the remaining allegations contained in Paragraph 15 of the Complaint,  
22 together with any and all inferences taken therefrom.  
23

1           16. The named Defendants admit the allegations contained in the first  
2 sentence of Paragraph 16. Defendants lack sufficient knowledge to admit or  
3 deny the remaining allegations of Paragraph 16, and therefore deny the same.  
4

5           17. The named Defendants lack sufficient knowledge to admit or deny  
6 the allegations contained in Paragraph 17 and therefore deny the same.  
7

8           18. The named Defendants are aware that a case was not pursued, and  
9 that Lieutenant Stevens was contacted by Chief Criminal Prosecutor Driscoll  
10 pursuant to an office policy requiring referral of allegations of officer misconduct  
11 to the internal investigations unit of the subject agency. Except as admitted, the  
12 named Defendants lack sufficient information to admit or deny the remaining  
13 allegations contained in Paragraph 18 and therefore deny the same.  
14  
15

16           19. The named Defendants admit that Defendant Staben began a shift  
17 level investigation at the direction of Lt. Stevens. The named Defendants deny  
18 the remaining allegations contained in Paragraph 19 of the Complaint, together  
19 with any and all inferences taken therefrom.  
20

21           20. The named Defendants admit the allegations contained in sentences  
22 1, 2 and 9 of Paragraph 20 of the Complaint. The named Defendants admit that  
23 portion of sentence 3 which alleges that on January 15, 2018 that Plaintiff and  
24  
25

1 Sergeant Preuniger were added to the IA, but deny the remaining allegations  
2 contained in Paragraph 20 of the Complaint, together with any and all inferences  
3 taken therefrom.  
4

5 21. The named Defendants admit the allegations contained in sentences  
6 1, 2, and 5 of Paragraph 21 of the Complaint. The named Defendants deny the  
7 remaining allegations contained in Paragraph 21 of the Complaint, together with  
8 any and all inferences taken therefrom.  
9

10 22. The named Defendants admit the allegations contained in sentence 1  
11 of Paragraph 22 of the Complaint. Defendants further admit the matter was  
12 reassigned by Stevens and that Sergeant Carr and Sergeant Waters handled the  
13 bulk of the investigation. Except as admitted herein, the remaining allegations  
14 contained in Paragraph 22 of the Complaint, together with any and all inferences  
15 taken therefrom, are denied.  
16

17 23. The named Defendants deny the allegations contained in Paragraph  
18 23 of the Complaint, together with any and all inferences taken therefrom.  
19

20 24. The named Defendants admit Plaintiff contacted the City's HR  
21 Department to complain about Defendant Staben. Except as specifically  
22 admitted, the named Defendants lack sufficient information to admit or deny the  
23  
24  
25

1 remaining allegations in Paragraph 24, and therefore deny the remaining  
2  
3 allegations contained in Paragraph 24 of the Complaint.

4 25. The named Defendants admit Plaintiff was interviewed by Sergeant  
5 Carr and was read his administrative rights. Defendants deny the remaining  
6  
7 allegations contained in Paragraph 25 of the Complaint, together with any and all  
8 inferences taken therefrom.

9 26. The named Defendants admit the allegations contained in the first  
10 sentence of Paragraph 26 of the Complaint. The named Defendants deny the  
11 remaining allegations contained in Paragraph 26 of the Complaint, together with  
12 any and all inferences taken therefrom.  
13  
14

15 27. The named Defendants admit the allegations contained in sentences  
16 1, 2, and 3 of Paragraph 27 of the Complaint, but deny the remaining allegations,  
17 contained in Paragraph 27 of the Complaint, together with any and all inferences  
18 taken therefrom.  
19

20 28. The named Defendants admit sentences 1 and 5 of Paragraph 28 of  
21 the Complaint. The named Defendants further admit that Plaintiff provided a list  
22 of witnesses with his rebuttal statement whom were not interviewed. The named  
23 Defendants lack sufficient information to admit or deny sentence 3 and therefore  
24  
25

1 deny the allegations contained therein. The named Defendants deny the  
2 remaining allegations contained in Paragraph 28 of the Complaint, together with  
3 any and all inferences taken therefrom.  
4

5 29. The named Defendants admit the allegations contained in Paragraph  
6 29, except for the allegation that a miscarriage of justice occurred. This  
7 allegation is specifically denied.  
8

9 30. The named Defendants deny the last sentence in Paragraph 30.  
10 Except as specifically denied, the named Defendants admit the remaining  
11 allegations set forth in Paragraph 30.  
12

13 31. The named Defendants lack sufficient information to admit or deny  
14 the allegations contained in Paragraph 31 and therefore deny the same.  
15

16 32. The named Defendants lack sufficient information to admit or deny  
17 the allegations contained in Paragraph 32 and therefore deny the same.  
18

19 33. The named Defendants admit sentences 1 and 2 of Paragraph 33 and  
20 deny the remaining allegations contained in Paragraph 33 of the Complaint,  
21 together with any and all inferences taken therefrom.  
22

23 34. The named Defendants admit the allegations contained in the first  
24 two sentences of Paragraph 34. Except as specifically admitted, Defendants deny  
25



1 the remaining allegations contained in Paragraph 34 of the Complaint, together  
2 with any and all inferences taken therefrom.  
3

4 35. The named Defendants deny the allegations contained in Paragraph  
5 35 of the Complaint, together with any and all inferences taken therefrom.  
6

7 36. The named Defendants lack sufficient information to admit or deny  
8 the allegations contained in Paragraph 36 of the Complaint and therefore deny the  
9 same.  
10

11 37. The named Defendants admit that a report was submitted on or about  
12 November 20, 2018 by Jennifer Jackson regarding Plaintiff's complaint. The  
13 named Defendants deny the remaining allegations contained in Paragraph 37 of  
14 the Complaint, together with any and all inferences taken therefrom.  
15

16 38. The named Defendants state that the report speaks for itself. The  
17 named Defendants deny the remaining allegations contained in Paragraph 38 of  
18 the Complaint, together with any and all inferences taken therefrom.  
19

20 39. The named Defendants admit both individuals were issued PID  
21 letters by a third party over whom the named Defendants had no control. While  
22 Plaintiff has been assigned to a precinct, the named Defendants deny the two  
23 individuals were similarly situated. Except as specifically admitted, the named  
24  
25

1 Defendants deny the remaining allegations contained in Paragraph 39 of the  
2  
3 Complaint, together with any and all inferences taken therefrom.

4 40. The named Defendants deny the allegations contained in Paragraph  
5  
6 40 of the Complaint, together with any and all inferences taken therefrom.

7 41. The named Defendants admit Plaintiff was originally assigned with  
8  
9 varying duties, including but not limited to duties as outlined in sentence 1 of  
10  
11 Paragraph 41 of the Complaint. The named Defendants further admit sentences  
12  
13 2, 3, 4, 5, 6 and 8 of Paragraph 41 of the Complaint. Except as to what has been  
14  
15 specifically admitted, the named Defendants deny the remaining allegations  
16  
17 contained in Paragraph 41, together with any and all inferences taken therefrom.

18 42. The named Defendants admit that Plaintiff was directed to report to  
19  
20 the Academy to qualify for firearms certification and to review new and/or  
21  
22 updated policies and/or procedures and/or to complete other departmental  
23  
24 mandates such as crisis intervention training. Except as to what has been  
25  
26 specifically admitted, the named Defendants deny the remaining allegations  
27  
28 contained in Paragraph 42 of the Complaint, together with any and all inferences  
29  
30 taken therefrom.

### CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF**

**42 USC § 1983 – Fourteenth Amendment**

**Count One: Violation of Plaintiff's Procedural and Substantive Due**

**Process Rights**

**(All Defendants)**

43. The named Defendants reallege their admissions, denials and averments contained in Paragraphs 1 to 42 as if fully set forth herein.

44. The named Defendants assert the allegations within Paragraph 44 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named Defendants deny the allegations contained in Paragraph 44 of the Complaint.

45. The named Defendants assert the allegations within Paragraph 45 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent Plaintiff claims any of the named defendants did not act under color of state law, the named Defendants deny that portion of the allegations contained in Paragraph 45 of the Complaint.

46. The named Defendants assert the allegations within Paragraph 46 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no

1 response is required. To the extent a response is deemed necessary, the named  
2  
3 Defendants deny the allegations contained in Paragraph 46 of the Complaint,  
4 together with any and all inferences taken therefrom.

5 47. The named Defendants assert the allegations within Paragraph 47 of  
6  
7 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
8 response is required. To the extent a response is deemed necessary, the named  
9 Defendants deny the allegations contained in Paragraph 47 of the Complaint,  
10 together with any and all inferences taken therefrom.  
11

12 48. The named Defendants assert the allegations within Paragraph 48 of  
13  
14 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
15 response is required. To the extent a response is deemed necessary, the named  
16 Defendants deny the allegations contained in Paragraph 48 of the Complaint,  
17 together with any and all inferences taken therefrom.  
18

19 49. The named Defendants assert the allegations within Paragraph 49 of  
20  
21 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
22 response is required. To the extent a response is deemed necessary, the named  
23 Defendants deny the allegations contained in Paragraph 49 of the Complaint,  
24 together with any and all inferences taken therefrom.  
25

1           50. The named Defendants assert the allegations within Paragraph 50 of  
2  
3 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
4 response is required. To the extent a response is deemed necessary, the named  
5 Defendants deny the allegations contained in Paragraph 50 of the Complaint,  
6  
7 together with any and all inferences taken therefrom.

8           51. The named Defendants assert the allegations within Paragraph 51 of  
9  
10 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
11 response is required. To the extent a response is deemed necessary, the named  
12 Defendants deny the allegations contained in Paragraph 51 of the Complaint,  
13  
14 together with any and all inferences taken therefrom.

15           52. The named Defendants assert the allegations within Paragraph 52 of  
16  
17 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
18 response is required. To the extent a response is deemed necessary, the named  
19 Defendants deny the allegations contained in Paragraph 52 of the Complaint,  
20  
21 together with any and all inferences taken therefrom.

22           **Count Two: Violation of Plaintiff's Right to Equal Protection**

23           **(All Defendants)**

1           53. The named Defendants incorporate by reference their admissions,  
2 denials and averments contained in Paragraphs 1-52 as if fully set forth herein.  
3

4           54. The named Defendants admit there is a policy prohibiting  
5 untruthfulness in the performance of official duties. The Defendants deny the  
6 remaining allegations contained in Paragraph 54 of the Complaint, together with  
7 any and all inferences taken therefrom.  
8

9           55. The named Defendants deny the allegations contained in Paragraph  
10 55 of the Complaint, together with any and all inferences taken therefrom.  
11

12           56. The named Defendants deny the allegations contained in Paragraph  
13 56 of the Complaint, together with any and all inferences taken therefrom.  
14

15           57. The named Defendants assert the allegations within Paragraph 57 of  
16 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
17 response is required. To the extent a response is deemed necessary, the named  
18 Defendants deny the allegations contained in Paragraph 57 of the Complaint,  
19 together with any and all inferences taken therefrom.  
20

21           58. The named Defendants assert the allegations within Paragraph 58 of  
22 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
23 response is required. To the extent a response is deemed necessary, the named  
24  
25

1 Defendants deny the allegations contained in Paragraph 58 of the Complaint,  
2  
3 together with any and all inferences taken therefrom.

4 59. The named Defendants assert the allegations within Paragraph 59 of  
5  
6 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
7  
8 response is required. To the extent a response is deemed necessary, the named  
9  
10 Defendants deny the allegations contained in Paragraph 59 of the Complaint,  
11  
12 together with any and all inferences taken therefrom.

13 60. The named Defendants deny Plaintiff is entitled to any of the relief  
14  
15 sought in Paragraph 60 of the Complaint.

16  
17 **SECOND CLAIM FOR RELIEF**

18 **42 USC § 1983 – First Amendment**

19 **Violation of Right to Free Speech – Public Employees**

20 **(All defendants)**

21 61. The named Defendants incorporate their admissions, denials and  
22  
23 averments contained in Paragraphs 1-60 as if fully set forth herein.

24 62. The named Defendants assert the allegations within Paragraph 62 of  
25  
26 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
response is required. To the extent a response is deemed necessary, the named

1 Defendants deny the allegations contained in Paragraph 62 of the Complaint,  
2  
3 together with any and all inferences taken therefrom.

4 63. The named Defendants admit the allegation contained in Paragraph  
5  
6 63 of the Complaint.

7 64. The named Defendants assert the allegations within Paragraph 64 of  
8  
9 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
10  
11 response is required. To the extent a response is deemed necessary, the named  
12  
13 Defendants deny the allegations contained in Paragraph 64 of the Complaint,  
14  
15 together with any and all inferences taken therefrom.

16 65. The named Defendants assert the allegations within Paragraph 65 of  
17  
18 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
19  
20 response is required. To the extent a response is deemed necessary, the named  
21  
22 Defendants admit all actions taken were taken in their official capacities and  
23  
24 under color of state law. The named Defendants deny any remaining allegations  
25  
26 contained in Paragraph 65 of the Complaint, together with any and all inferences  
taken therefrom.



1           66. The named Defendants deny Plaintiff suffered any retaliatory actions  
2  
3 and therefore deny the allegations contained in Paragraph 66 of the Complaint,  
4 together with any and all inferences taken therefrom.

5           67. The named Defendants deny the allegations contained in Paragraph  
6  
7 67 of the Complaint, together with any and all inferences taken therefrom.

8           68. The named Defendants deny responsibility for the relief sought in  
9  
10 Paragraph 68 of the Complaint.

### 11                           **THIRD CLAIM FOR RELIEF**

#### 12                                   **Outrage**

#### 13   **(All defendants)**

14  
15           69. The named Defendants incorporate by reference their admissions,  
16 denials and averments contained in Paragraphs 1-68 as if fully set forth herein.

17           70. The named Defendants assert the allegations within Paragraph 70 of  
18  
19 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
20 response is required. To the extent a response is deemed necessary, the named  
21 Defendants deny the allegations contained in Paragraph 70 of the Complaint,  
22 together with any and all inferences taken therefrom.  
23  
24  
25

1           71. The named Defendants assert the allegations within Paragraph 71 of  
2  
3 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
4 response is required. To the extent a response is deemed necessary, the named  
5 Defendants deny the allegations contained in Paragraph 71 of the Complaint,  
6  
7 together with any and all inferences taken therefrom.

8           72. The named Defendants assert the allegations within Paragraph 72 of  
9  
10 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
11 response is required. To the extent a response is deemed necessary, the named  
12 Defendants deny the allegations contained in Paragraph 72 of the Complaint,  
13  
14 together with any and all inferences taken therefrom.

15           73. The named Defendants assert the allegations within Paragraph 73 of  
16  
17 Plaintiffs' Complaint constitute legal arguments, legal conclusions and/or a  
18 prayer for relief, to which no response is required. To the extent a response is  
19 deemed necessary, the named Defendants deny the allegations contained in  
20 Paragraph 73 of the Complaint, together with any and all inferences taken  
21  
22 therefrom.

#### 23                   **FOURTH CLAIM FOR RELIEF**

##### 24                           **Defamation**

**(All Defendants)**

74. The named Defendants incorporate by reference their admissions, denials and averments contained in Paragraphs 1-73 of the Complaint as if fully set forth herein.

75. The named Defendants deny the allegations contained in Paragraph 75 of the Complaint, together with any and all inferences taken therefrom.

76. The named Defendants assert the allegations within Paragraph 76 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named Defendants deny the allegations contained in Paragraph 76 of the Complaint, together with any and all inferences taken therefrom.

77. The named Defendants admit *Brady* information is made available to defense counsel and Plaintiff is named in a tort claim, but deny the remaining allegations contained in Paragraph 77, together with all inferences taken therefrom.

78. The named Defendants assert the allegations within Paragraph 78 of Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no response is required. To the extent a response is deemed necessary, the named

1 Defendants deny the allegations contained in Paragraph 78 of the Complaint,  
2  
3 together with any and all inferences taken therefrom.

4 79. The named Defendants assert the allegations within Paragraph 79 of  
5 Plaintiffs' Complaint constitute argument and/or legal conclusion, to which no  
6  
7 response is required. To the extent a response is deemed necessary, the named  
8 Defendants deny the allegations contained in Paragraph 79 of the Complaint,  
9  
10 together with any and all inferences taken therefrom.

#### 11 **REQUEST FOR RELIEF**

12 The named Defendants deny Plaintiff is entitled to the relief sought in the  
13 Request for Relief or to any relief whatsoever. Defendants further deny any and  
14  
15 all allegations of liability, as well as the existence, nature, and extent of Plaintiff's  
16  
17 claimed injuries and damages.

18 To the extent any allegation contained in Plaintiff's Complaint was not  
19  
20 specifically admitted above, or a lack of knowledge claimed, it is denied.

#### 21 **DEMAND FOR JURY TRIAL**

22 In accordance with F.R.C.P. 38 and pursuant to the 7<sup>th</sup> Amendment,  
23  
24 Defendants hereby demand this matter appear before a jury.  
25

**AFFIRMATIVE DEFENSES**

1  
2  
3 1. Plaintiff's Complaint fails in part to state a claim upon which relief  
4 may be granted.

5  
6 2. Any and all actions or conduct of which Plaintiff complains  
7 regarding the Defendants in either/both their individual and official capacity were  
8 reasonable at all times relevant hereto and were undertaken in good faith, and  
9 without any requisite culpable intent of committing a violation of any of  
10 Plaintiff's clearly established constitutional rights.  
11  
12

13 3. All actions taken by Defendants with respect to Plaintiff were  
14 undertaken for legitimate reasons and no unlawful factors motivated Defendants'  
15 actions towards Plaintiff.  
16

17 4. Plaintiff's claim for damages, which are expressly denied, may be  
18 barred in whole or in part by Plaintiff's failure to mitigate his damages.  
19  
20

21 5. Defendants acted in reasonable belief that their conduct was in  
22 furtherance of the public interest.  
23  
24  
25

1           6. Any damages allegedly suffered by Plaintiff were caused or  
2  
3 contributed to by his own fault, neglect, lack of care, and/or failure to exercise due  
4 diligence, which serves or ought to serve to bar, and/or mitigate any damages  
5 claimed by Plaintiff.  
6

7           7. The injuries and damages alleged by the Plaintiff were the fault of  
8  
9 other entities or individuals not under the control of the Defendants.

10           8. At all relevant times, Defendants acted in substantial conformity with  
11  
12 applicable policies or practices that are lawful and reasonable.

13           9. All or part of Plaintiff's claims are subject to estoppel.  
14

15           10. All or part of Plaintiff's claims have been waived by Plaintiff's own  
16  
17 acts or omissions.

18           11. Defendant Staben's actions throughout his investigation of Plaintiff  
19  
20 were reasonable.

21           12. Defendants are not the proximate cause of any or all of Plaintiff's  
22  
23 alleged damages.  
24  
25

1           13. Defendants are entitled to qualified immunity pursuant to the Federal  
2 Civil Rights Act because they acted reasonably and in good faith under the settled  
3 law in the circumstances.  
4

5  
6           FURTHER, by way of reservation of rights, without waiver, named  
7 Defendants specifically reserve the right to amend this Answer by way of adding  
8 additional Affirmative Defenses, Counter Claims, Cross-Claims, or instituting  
9 third-party actions which may be appropriate after further investigation and  
10 discovery.  
11

12  
13                           **DEFENDANTS' PRAYER FOR RELIEF**  
14

15           Having fully answered Plaintiff's Complaint, the named Defendants request the  
16 following relief:  
17

18           A. Plaintiff's Complaint be dismissed with prejudice;  
19

20           B. Plaintiff take nothing from the case;  
21

22           C. The named Defendants be awarded their costs and attorney's fees  
23 under applicable law; and

24           D. For such other and further relief as the Court deems just and proper.  
25

1 DATED this 27<sup>th</sup> day of November 2019.

2  
3 LAW FIRM OF THOMAS W. McLANE, PLLC

4  
5 By: /s/ Thomas W. McLane  
6 Thomas W. McLane, WSBA #12226  
7 Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of November, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

Daniel E. Thenell [dan@thenelllawgroup.com](mailto:dan@thenelllawgroup.com)

Emerson Lenon [emerson@thenelllawgroup.com](mailto:emerson@thenelllawgroup.com)

By /s/ Thomas W. McLane  
Thomas W. McLane